

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Open Meeting of
Tuesday, May 17, 2005

The Public Service Commission of Wisconsin (Commission) met as noticed. Present were Chairperson Ebert, Commissioner Garvin, and Commissioner Meyer.

05-AE-138 – Application by Wisconsin Public Service Corporation for Approval to Acquire Securities of American Transmission Company

The Commission approved a Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

05-BS-145 – Joint Application of Northern States Power Company-Wisconsin and the City of Spooner, Both as Electric Public Utilities, for Authority to Abandon Service and to Transfer One Customer from Northern States Power Company-Wisconsin to the City of Spooner, in Washburn County

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

137-CE-131 – Application of American Transmission Company for Authority to Construct a New 138 kV Transmission Line Between the Existing North Beaver Dam and the Proposed East Beaver Dam Substation in Dodge County

The Commission approved a Notice of Proceeding and directed it be signed by the Secretary to the Commission on behalf of the Commission.

1850-ER-103 – Application of the City of Elroy, Juneau County, as an Electric Public Utility, for Authority to Increase Electric Rates

The Commission approved a Notice of Proceeding and directed it be signed by the Secretary to the Commission on behalf of the Commission.

2470-ER-104 – Application of the City of Hartford, Washington County, as an Electric Public Utility, for Authority to Increase Rates

The Commission approved a Notice of Proceeding and directed it be signed by the Secretary to the Commission on behalf of the Commission.

2800-CU-100 – Application of the City of Kaukauna, for Authority to Expand and Remodel Its Existing Office Building and to Construct a New Warehouse/Garage Facility, in the City of Kaukauna, Outagamie County

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

6690-GF-108 – Wisconsin Public Service Corporation Energy Market Risk Management Policy and Plan

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

6480-WR-104 – Application of the Village of Whitefish Bay Utility for Authority to Increase Water Rates

The Commission approved a Notice of Proceeding and directed it be signed by the Secretary to the Commission on behalf of the Commission.

05-UR-101 – Joint Application of Wisconsin Electric Power Company and Wisconsin Gas Company, Both d/b/a We Energies, for Wisconsin Electric Power Company to Increase Its Electric and Steam Rates and for Wisconsin Gas Company to Increase Its Natural Gas Rates

The Commission approved the Final Decision and directed it be signed by the Secretary to the Commission on behalf of the Commission.

6680-CE-168 – Application of Wisconsin Power and Light Company and Sheboygan Power, LLC for a Certificate of Public Convenience and Necessity for Construction of an Electric Generation Facility to be Located in Sheboygan County

The Commission approved the Final Decision and directed it be signed by the Secretary to the Commission on behalf of the Commission.

6680-DR-108 – Petition of Wisconsin Power and Light Company for Declaratory Ruling Pursuant to Wis. Stat. § 227.41 for Declaration Under Wis. Stat. § 196.50(1) That it is Eligible to Provide Retail Electric Service to the Portion of an Area Annexed From the Town of Blooming Grove Into the City of Madison Known as the Secret Places Subdivision

The Commission approved the Final Decision and directed it be signed by the Secretary to the Commission on behalf of the Commission.

5820-UR-109 – Application of Superior Water, Light and Power Company for Authority to Increase Retail Electric, Gas and Water Rates

The Commission approved the Final Decision and directed it be signed by the Secretary to the Commission on behalf of the Commission.

6680-UR-113 – Application of the Wisconsin Power and Light Company, as an Electric, Water and Natural Gas Public Utility, to Change Electric, Water and Natural Gas Rates

1-IC-356 – Application for Intervenor Compensation Filed by Citizens' Utility Board for \$3,919 in Intervenor Compensation

The Commission modified and approved the request of the Citizen's Utility Board for intervenor compensation. The Commission approved a total of \$3,307. Commissioner Garvin dissented.

The Commission directed the Gas and Energy Division to draft an order consistent with this decision.

6630-UR-111 – Application of Wisconsin Electric Power Company for Approval of Plan to Improve Reliability Through Infrastructure and Incentives and Request for Rate Increase for Test Year 2000

1-IC-357 – Application for Intervenor Compensation Filed by Citizens' Utility Board for \$53,390 to Participate in Docket 6630-UR-111

The Commission modified and approved the request of Citizens' Utility Board for intervenor compensation. The Commission approved a total of \$51,710. Commissioner Garvin dissented.

The Commission directed the Gas and Energy Division to draft an order consistent with this decision.

4220-UR-113 – Application of Northern States Power Company-Wisconsin, d/b/a Xcel Energy, for Authority to Maintain Current Retail Electric and Natural Gas Service Rates in Wisconsin

The Commission authorized Northern States Power Company-Wisconsin an interim fuel increase of \$10,035,000 subject to refund with interest at Northern States Power Company-Wisconsin's authorized return on common stock equity of 11.9 percent.

The Commission directed the Gas and Energy Division to draft an order consistent with this decision.

6630-GF-106 – Wisconsin Electric Power Company's Gas Cost Recovery Mechanism, Reported Actual Results (Original Docket 6630-GR-101)

The Commission accepted Wisconsin Electric Power Company's proposed gas cost recovery mechanism results for the year ended October 31, 2004, as filed.

The Commission directed the Gas and Energy Division to draft an order consistent with this decision.

6650-GF-101 – Wisconsin Gas Company's Gas Cost Recovery Mechanism, Reported Actual Results (Original Docket 6650-GR-116)

The Commission accepted Wisconsin Gas Company's proposed gas cost recovery mechanism results for the year ended October 31, 2004, as filed.

The Commission directed the Gas and Energy Division to draft an order consistent with this decision.

6690-CE-187 – Application of Wisconsin Public Service Corporation for a Certificate of Public Convenience and Necessity for Construction of a Large Electric Generating Plant with Associated Facilities, Known as Weston Unit 4, at its Existing Weston Generating Station Located in Marathon County

The Commission approved, in part, Wisconsin Public Service Corporation's Weston 4 Demand-Side Management Plan.

The Commission directed the Gas and Energy Division to communicate with Wisconsin Public Service Corporation consistent with this decision.

6720-TI-195 – Petition of Wisconsin Bell, Inc., d/b/a SBC Wisconsin, for the Lifting of the IntraLATA Toll Service Provider of Last Resort Requirements

Further Consideration of Petition

The Commission determined that there are exceptional or unusual circumstances under Wis. Admin. Code § PSC 160.01(2)(b) that warrant a waiver of the requirement for an auction of intraLATA toll service provider of last resort status at the exchanges of Amherst, Polonia, and Rosholt.

The Commission granted the petition of SBC for a waiver of the 12-month timeline for elimination of its intraLATA toll service provider of last resort designation requirement at the three Amherst Telephone Company exchanges.

The Commission directed the Telecommunications Division to draft an order consistent with this decision.

6720-TI-175 – Complaint of TDS Metrocom, LLC Against Wisconsin Bell, Inc., d/b/a Ameritech Wisconsin

The Commission discussed the record in this docket and directed the Telephone Division to draft an order based on the following determinations:

1. The Commission determined that SBC's methods of charging termination penalties in its ValueLink and CompleteLink tariffs do not violate Wis. Stat. §§ 196.03, 196.219(3)(c) and 196.37.
2. The Commission determined that there is no substantial evidence on the record to support the Complaint of TDS Metrocom, LLC and dismiss the Complaint.

The draft order should be circulated to the Commissioners for review. A final order incorporating any modifications or additions suggested by Commissioners should be brought back to the open meeting for final review and approval by the Commission.

9300-SI-103 – Investigation of the Complaint of Packaging Corporation of America, Inc., Concerning Sewer Rates of the City of Colby, WI

The Commission discussed the record in this docket and directed the Division of Water, Compliance and Consumer Affairs to draft an order based on the following determinations:

1. The Commission determined that the City of Colby's debt service charge as applied to Packaging Corporation of America, Inc., is unreasonable.
2. The Commission determined that the City of Colby's volume charge as applied to Packaging Corporation of America, Inc., is unreasonable.
3. The Commission determined that the City of Colby's method of handling Infiltration/Inflow costs is unreasonable.
4. The Commission determined that the City of Colby's current handling of high-strength loadings is unreasonable. The Commission directed the City of Colby to aggressively investigate the source of the groundwater leaks into the system.
5. The Commission determined that beginning the effective date of the order, Packaging Corporation of America, Inc.'s, payments are subject to refund.

6. The Commission directed the City of Colby to work with Packaging Corporation of America, Inc., to come up with a new system that can meet the responsibility test outlined in the statutes. The Commission determined the City of Colby should report back to the Commission within 45 days from the effective date of the order.

The draft interim order should be circulated to the Commissioners for review. An interim order incorporating any modifications or additions suggested by Commissioners should be brought back to the open meeting for final review and approval by the Commission.

CC Docket No. 01-92 – Developing a Unified Inter-carrier Compensation Regime

Proposed Comments to the Federal Communications Commission

The Commission approved initial comments to be filed with the FCC regarding Inter-carrier Compensation Reform.

The Commission directed the comments be signed by the Secretary to the Commission on behalf of the Commission.

05-EI-135 – Investigation into Dispute Between Northern States Power Company, d/b/a Xcel Energy, and Polk-Burnett Electric Cooperative

No discussion was held.

Christy L. Zehner
Secretary to the Commission